



# PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries (L&I)

**Subject of possible rule making:** To amend the definition of "proper and necessary" in WAC 296-20-01002 and to amend as necessary the criteria for making medical coverage decisions in WAC 296-20-02704.

**(a) Statutes authorizing the agency to adopt rules on this subject:** RCW 51.04.020, RCW 41.05.013

**(b) Reasons why rules on this subject may be needed and what they might accomplish:** ESHB 1299, chapter 276, laws of 2003 directed the state agencies involved in state purchased health care programs, to the extent possible, to develop a common definition of medical necessity. A common definition may reduce administrative burden for providers. An expanded definition of "proper and necessary" and "scientific evidence" will make it clearer how this agency makes coverage decisions and makes a determination of proper and necessary.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Of the state agencies that purchase health care services, the Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) are also moving forward to amend their definition of "medical necessity." These state agencies and L&I are starting with model contractual language for "medical necessity" developed out of Stanford University. L&I is looking for language from this Stanford model that is compatible with Title 51 RCW and may expand further when necessary to clarify the defined terms.

**(d) Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The agency will develop this rule in coordination with the following major stakeholder groups:

Workers' Compensation Advisory Committee

DSHS

HCA

**(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may participate by contacting Jami Lifka by:

**Phone:** (360) 902-4941 or **FAX:** (360) 902-6315 or **Mail:** Dept. of Labor and Industries

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**NAME (TYPE OR PRINT)**

Paul Trause

**SIGNATURE**

**TITLE**

Director

**DATE**

November 12, 2003

**WSR # 03-23-024**